

### **REMARKS/ARGUMENTS**

The applicant has concurrently filed a request for a two-month extension of time and a Request for Continued Examination. Accordingly, the applicant respectfully submits that this response is timely filed.

#### **Claim Status**

By this response, claims 17, 22, 24, 28, 30, 35, 37, 39, 40, 43, 45, 47, 49, 50, 52 and 53 have been amended. Claim 3, 23, 26, and 29 were previously amended. Claims 31-33, 35, 38, 41, 42, 44, 48, 51, and 54 were previously presented. Claims 18 and 19 are in their original state. Claims 55-62 are new. Claims 1, 2, 4-16, 20, 21, 25, 27, 34, and 36 have been cancelled. Accordingly, the application now contains four independent claims and 41 claims.

#### **Fees**

Please charge our deposit account number 02-2095 the following amounts.

1. \$230.00, which comprises the extension of time fee for the two-month extension of time.
2. \$405.00 for the Request for Continued Examination.
3. \$200.00 excess claim fees (\$25 for each of the additional eight claims).

The applicant has previously paid excess claim fees for the application to contain four independent claims and a total of 33 claims. The application now contains four independent claims and 41 claims and the applicant hereby pays the excess claim fee for the additional eight claims.

Please also charge any additional fees that may be required, or credit any overpayment, to our deposit account.

The Examiner is sincerely thanked for the telephone interview of April 10, 2008 herewith.

Claim Rejections – 35 USC §112

In the Office Action, the Examiner stated that claims 27, 28, 34, and 35 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. More specifically, the Examiner asserted that the term "midpoint" in claims 27 and 34 is not disclosed in the specification as filed, and suggested that the term "middle region" be used instead.

By this response, claims 27 and 34 have been cancelled. However, the limitations formerly presented therein have been incorporated into claims 17, 22, 30, and 47. In claims 17, 22, 30, and 47, the term "middle region" has been used, and the term "midpoint" has not been included. In addition, claim 28 has been amended to depend from claim 22, and claim 35 has been amended to depend from claim 30. As such,

Applicant respectfully submits that claims 17, 22, 30, 47, 28, and 35 are in compliance with 35 U.S.C. 112, and the rejection is overcome.

Claim Rejections – 35 USC §103

In the Office Action, the Examiner stated that claims 17-19, 22-24, 26-28, 30-32, 34-35, 37-39, 41, 42, 44, 45, 47, 48, and 50-54 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ivarson et al. in view of Gausling et al., and further in view of Godshaw. As noted hereinabove, claims 27 and 34 have been cancelled.

As suggested by the Examiner in the telephone interview of April 10, 2008, each of claims 17, 22, 30, and 47 have presently been amended to further specify "at least one side cinch strap positioned at a middle region of the backpack and connected to said backpack body for cinching said away-facing face and said back-facing face towards each other".

Applicant respectfully submits that none of the cited references, alone or in combination, disclose teach or suggest the combination of features claimed in amended claims 17, 22, 30, and 47. As such, Applicant respectfully submits that the rejection of claims 17, 22, 30, and 47 under 35 U.S.C. 103(a) is overcome, and that claims 17, 22, 30, and 47 are in condition for allowance.

Claims 18, 19, 37-39, and 52 are dependent on claim 17; claims 23, 24, 26, 28, 41, 42, and 53 are dependent on claim 22; claims 31, 32, 35, 44, 45, and 54 are dependent on claim 30; and claims 48, 50, and 51 are dependent on claim 47. Thus, the forgoing arguments apply equally to these claims, and applicant respectfully submits that these claims are in condition for allowance.

In the Office Action, the Examiner further stated that claims 3, 29, 40, 43, 46, and 49 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ivarson et al. in view of Gausling et al. and Godshaw, and in view of further cited references.

Claim 3, 29, and 43 are dependent on claim 22; claim 40 is dependent on claim 17; claim 46 is dependent on claim 30; and claim 49 is dependent on claim 47. Thus, the forgoing arguments apply equally to these claims, and applicant respectfully submits that these claims are in condition for allowance.

#### Claim Objections

In the Office Action, the Examiner stated that claim 47 is objected to because the claim should read, in part "at least one shoulder strap cinch strap extending forwardly over...". Applicant has presently incorporated this correction into claim 47. Accordingly, Applicant respectfully submits that the objection to claim 47 is overcome.

In the Office Action, the Examiner stated that claim 50 is objected to because the claim should read in part "wherein the shoulder strap cinch strap has first...". Applicant has presently incorporated this correction into claim 47. Accordingly, Applicant respectfully submits that the objection to claim 47 is overcome.

Summary

Applicant respectfully submits that the claims are now in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,  
BERESKIN & PARR

By 

Philip C. Mendes da Costa  
Reg. No. 33,106  
Tel: 416-957-1695